

# R.J.McGLENNON CO. INC.

198 Utah Street  
San Francisco 94103  
Phone 415 552-0311  
Fax 415 552-8055



May 8, 2008

Chris Reiner, SFD-9-4  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Re: General Notice of Potential Liability  
Yosemite Creek Superfund Site  
San Francisco, CA  
Company Name: R.J. McGlennon Company, Inc. (MacLac)

Dear Mr. Reiner:

I am writing in response to EPA's General Notice of Potential Liability with respect to the Yosemite Creek Superfund Site.

R.J. McGlennon Company (MacLac) believes that EPA has improperly determined that MacLac is a responsible party. The General Notice, and the memorandum prepared by Brett Moxley which accompany it, state that EPA is planning to take removal action at Yosemite Creek due to contamination with the following hazardous substances: polychlorinated biphenyls (PCBs), chlorinated pesticides (DDT, chlordane, dieldrin) and metals (lead, zinc and mercury).

EPA has named R.J. McGlennon Company (MacLac) as a potentially responsible party because MacLac was named as a potentially responsible party at the Bay Area Drum Site, and EPA has concluded that "significant quantities of hazardous substances released at the [Bay Area Drum Site] ultimately made their way to the [Yosemite Creek] Site."

MacLac is a manufacturer of paints and lacquers. MacLac was identified as a potentially responsible party at the Bay Area Drum Site based on its alleged disposals of toluene and xylene. MacLac does not use, and never disposed of, PCBs, chlorinated pesticides, lead, zinc or mercury at the Bay Area Drum Site. Moreover, according to EPA, the Yosemite Creek Site is a tidal channel that is subject to the ebb and flow of Bay tides. Toluene and xylene are volatile aromatic hydrocarbons, and are both less dense than water. The probability that any toluene or xylene reached the Yosemite Creek Site from the Bay Area Drum Site is remote and entirely speculative, but even if it did, the physical properties of these compounds ensure that they would

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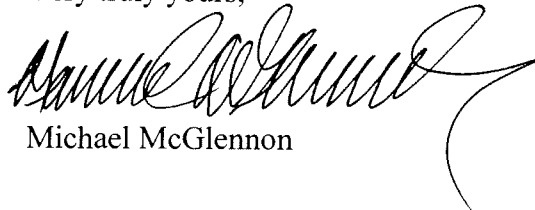
not remain there today. In any event, EPA has not reported the presence of toluene or xylene at the Yosemite Creek Site.

Maclac therefore requests that EPA rescind its Notice of Potential Liability with respect to Maclac. Maclac did not generate or arrange for the disposal of any hazardous substance that was found at the Yosemite Creek Site. If EPA requires additional information in order to grant this request, I invite you to contact me.

Future correspondence regarding this matter should be directed to me at the address below:

Michael McGlennon  
R.J. McGlennon Co.  
198 Utah Street  
San Francisco, CA 94103  
Telephone: (415) 552-0311  
Fax: (415) 552-8055

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael McGlennon', with a long, sweeping flourish extending from the bottom right.

Michael McGlennon